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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,323	02/07/2006	Peter Bauer	2003P01233WOUS	6730

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EXAMINER

MCMILLAN, JESSICA L

ART UNIT	PAPER NUMBER
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2875

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02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,323	Applicant(s) BAUER ET AL.	
	Examiner JESSICA L. MCMILLAN	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/30/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18-25 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

Claims 18 and 19 are objected to because of the following informalities: Claims 18 and 19 are dependent upon a cancelled claim 17 and should be corrected to depend upon a current claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

Claims 16, 18, 20-25, 27-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rogers (US 6,059,420)** in view of **Avenwedde et al. (US 7,107,779 B2)** and **Chen (US 2003/0042852 A1)**.

Regarding **claims 16, 21, 27 and 30**, Rogers discloses a refrigerating appliance (figure 1), such as a refrigerator or freezer, comprising: a housing having a plurality of structural elements and defining an interior space (see figures 3 and 4)) and an internal lighting system (12) disposed within said housing for illuminating at least a portion of said interior space. Rogers does not disclose that the lighting system of the refrigerating appliance is integrated into an internal wall and surface of a built-in component. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the light source of Rogers within the housing walls and of the refrigerating appliance (figure 1) since it has been held that forming in one piece a structure which has formerly been formed in two, or more pieces, involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 USPQ 164

(1893). One would be motivated to do so because integrating the light source within the housing of the appliance would yield a desired illumination emitting from the appliance so that someone opening the appliance would have ample illumination to observe what is inside of the appliance.

Rogers does not disclose organic light emitting diodes. Avenwedde et al. disclose a refrigerating appliance that uses organic light emitting diodes (24) as a light source. OLED light sources are not affected by low temperatures and thus make OLEDs ideal for cold environments such as freezers. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the bulb of Rogers with the OLEDs of Avenwedde et al. because of the OLEDs tolerance for cold temperatures and to achieve a desired illumination emitting inside of the appliance.

Avenwedde et al. does not disclose that the OLED includes a substrate having an electrode, at least one layer of organic material and a counter-electrode where the substrate is formed as a transparent plate. Chen discloses an OLED (100) comprising a substrate (110) formed of as a transparent plate (see paragraph [0005]; substrate made of glass) having applied thereto an electrode (120), a counter electrode (16; see paragraph [0005]), a layer of organic material (130, 140 and 150). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the OLED of Avenweede et al. include a transparent substrate, electrode, counter electrode and an organic material as taught by Chen in order to achieve a desired illumination from the lighting system of the refrigerating appliance.

Regarding **claims 18, 20, 22 and 23**, Rogers, Avenwedde et al. and Chen disclose the refrigerating appliance according to claim 16, and Rogers further discloses a plurality of internal walls and a light bulb mounted on at least one of an inner wall of the housing or a surface of a built-in component (see figure 4). Avenwedde et al. discloses OLEDs (24) in a refrigerating appliance but are silent about the composition of the OLEDs. Chen discloses OLEDs having a substrate with an electrode, counter-electrode and organic material. Exchanging the bulbs of Rogers with the OLEDs Chen would yield that which is claimed.

Regarding **claim 24**, Rogers further discloses a housing (see figures 1-4) joined together from a plurality of housing panels forming inner walls of an interior space.

Regarding **claim 25, 28 and 29**, Rogers and Avenwedde et al. disclose the refrigerating appliance according to claim 24, Rogers further discloses bulbs (12) on a housing panel. Avenwedde et al. discloses OLEDs (24) in a refrigerating appliance but are silent about the composition of the OLEDs. Chen discloses OLEDs having a substrate with an electrode, counter-electrode and organic material. Combining the OLEDs of Chen with the refrigerating appliance of Rogers would have been obvious to one having ordinary skill in the art at the time the invention was made in order to provide reliable illumination to the appliance.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rogers (US 6,059,420)**, **Avenwedde et al. (US 7,107,779 B2)**, **Chen (US 2003/0042852 A1)** as applied to claim 16 above, and further in view of **Lange et al. (US 6,478,445 B1)**.

Regarding **claim 19**, Rogers, Avenwedde et al. and Chen disclose the refrigerating appliance according to claim 16, and Ter-Hovhannisian further disclose a housing (10) surrounding an interior space but are silent about a cavity filled with an insulating material. Lange et al. disclose a refrigeration appliance with a space between case 106 and liners 108 and 110 and foam-in-place insulation between liners 108 and 110. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include insulation in the refrigeration appliance of Rogers in order to help the appliance to maintain a certain level of coolness to keep the items inside cold and fresh.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rogers (US 6,059,420)**, **Avenwedde et al. (US 7,107,779 B2)** and **Chen (US 2003/0042852 A1)** as applied to claim 16 above, and further in view of **Caldwell (US 2003/0122455 A1)**.

Regarding **claim 31**, Rogers and Avenwedde et al. disclose the refrigerating appliance according to claim 16, but are silent about a display and control panel. Caldwell discloses a control and display panel (see figure 3A) in a refrigeration appliance (figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a control and display panel in the refrigerating appliance of Rogers as taught by Caldwell in order to see and adjust the settings of the appliance.

Regarding **claim 32**, Rogers, Avenwedde et al. and Caldwell disclose the refrigerating appliance according to claim 16, and Caldwell further disclose a display

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panel for displaying symbols, said symbols formed by organic light-emitting diodes (see paragraph 0029]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a display panel for displaying symbols that uses OLEDs in the appliance of Rogers as taught by Caldwell in order to achieve a bright and desired illumination emitting from the appliance so that the display panel can easily be read.

Response to Arguments

Applicant's arguments with respect to claims 16-19, 24, 25, 27-30 and 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. MCMILLAN whose telephone number is (571) 272-5510. The examiner can normally be reached on 8:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sandra L. O'Shea/
Supervisory Patent Examiner, Art
Unit 2875

JLM
January 30, 2009